

EXHIBIT A

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

TERESE DOMBROWSKI,

CIVIL DIVISION

Plaintiff,

ELECTRONICALLY FILED

vs.

Case No. AR-21-_____

CAPITAL ONE BANK (USA), NA,

Defendant.

COMPLAINT IN CIVIL ACTION

Filed on Behalf of Plaintiff:
Terese Dombrowski

Counsel of Record for This Party:

J.P. WARD & ASSOCIATES, LLC

Joshua P. Ward
Pa. I.D. No. 320347

The Rubicon Building
201 South Highland Avenue
Suite 201
Pittsburgh, PA 15206

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NOTICE TO DEFEND

YOU HAVE BEEN SUED IN COURT. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Complaint and Notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the Complaint or for any other claim or relief requested by the Plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. If you do not have a lawyer, go to or telephone the office set forth below. This office can provide you with information about hiring a lawyer. **IF YOU CANNOT AFFORD TO HIRE A LAWYER**, this office may be able to provide you with information about agencies that may offer legal service to eligible persons at a reduced fee or no fee:

LAWYER REFERRAL SERVICE
11TH FLOOR KOPPERS BUILDING,
436 SEVENTH AVENUE
PITTSBURGH, PENNSYLVANIA 15219
TELEPHONE: (412) 261-5555

HEARING NOTICE YOU HAVE BEEN SUED IN COURT. The above Notice to Defend explains what you must do to dispute the claims made against you. If you file the written response referred to in the Notice to Defend, a hearing before a board of arbitrators will take place in the Compulsory Arbitration Center. Report to the Arbitration Assembly Room, Courtroom Two, Seventh Floor City-County Building, 414 Grant Street, Pittsburgh, Pennsylvania 15219, on _____, 2021 at 9:00 A.M.

IF YOU FAIL TO FILE THE RESPONSE DESCRIBED IN THE NOTICE TO DEFEND, A JUDGMENT FOR THE AMOUNT CLAIMED IN THE COMPLAINT MAY BE ENTERED AGAINST YOU BEFORE THE HEARING. DUTY TO APPEAR AT ARBITRATION HEARING IF ONE OR MORE OF THE PARTIES IS NOT PRESENT AT THE HEARING, THE MATTER MAY BE HEARD AT THE SAME TIME AND DATE BEFORE A JUDGE OF THE COURT WITHOUT THE ABSENT PARTY OR PARTIES. THERE IS NO RIGHT TO A TRIAL DE NOVO ON APPEAL FROM A DECISION ENTERED BY A JUDGE.

NOTICE: You must respond to this complaint within twenty (20) days or a judgment for the amount claimed may be entered against you before the hearing. If one or more of the parties is not present at the hearing, the matter may be heard immediately before a judge without the absent party or parties. There is no right to a trial de novo on appeal from a decision entered by a judge.

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TERESE DOMBROWSKI,

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Defendant.

COMPLAINT IN CIVIL ACTION

AND NOW, comes Plaintiff, Terese Dombrowski, by and through the undersigned counsel, J.P. Ward & Associates, LLC and, specifically, Joshua P. Ward, Esquire, who files the within Complaint in Civil Action against Defendant Capital One Bank (USA), NA, of which the following is a statement:

PARTIES

1. Plaintiff, Terese Dombrowski (hereinafter “Terese Dombrowski”), is an adult individual who currently resides at 28 Windsor Court, Lansdale, Pennsylvania 19446.

2. Defendant, Capital One Bank (USA), NA, (hereinafter “Capital One Bank”), is a corporation with its principal place of business located at 4851 Cox Road, Glen Allen, Virginia 23060.

JURISDICTION AND VENUE

3. Jurisdiction is proper as Plaintiff brings this lawsuit under the Fair Credit Reporting Act (“FCRA”), 15 U.S.C.A. § 1681, *et seq.*

4. Venue is proper pursuant to Pa.R.C.P. 2179(a)(2) because Defendant regularly conducts business in Allegheny County, Pennsylvania and because Defendant is subject to general jurisdiction of Allegheny County, Pennsylvania.

PROCEDURAL HISTORY AND FACTUAL ALLEGATIONS

5. On April 18, 2019, Capital One Bank, filed a Civil Complaint against Terese Dombrowski in Magisterial District Court at Docket Number: MJ-38118-CV-0000095-2019. A true and correct copy of the Docket is attached hereto, made a part hereof, and marked as Exhibit “A”.

6. In response to the aforesaid lawsuit, Terese Dombrowski engaged The Law Firm of Fenters Ward for representation.

7. On May 23, 2019, The Law Firm of Fenters Ward served Capital One Bank with a letter, (hereinafter, the “First Dispute Letter”) wherein Capital One Bank was informed of the disputed nature regarding the alleged debt and that Terese Dombrowski was represented by counsel. A true and correct copy of the First Dispute Letter is attached hereto, made a part hereof, and marked as Exhibit “B”.

8. This First Dispute Letter stated that Terese Dombrowski “denie[d] owing Capital One Bank (USA), NA any amount of money” and informed Capital One Bank that Terese Dombrowski disputed any and all “Debts” Capital One Bank claimed to possess. See Exhibit “B”.

9. “Debts” as defined within the First Letter of Dispute delineated and included “any related debt(s) and/or credit account(s) your company [Capital One Bank] claims to have, sold, purchased and/or assigned from yourself, another creditor, debt buyer or other entity as of the date of this letter. See Exhibit “B”.

10. Furthermore, Capital One Bank was directed to cease and desist from contacting Terese Dombrowski directly. See Exhibit “B”.

11. On May 31, 2019, The Law Firm of Fenters Ward filed an Entry of Appearance and an Intent to Defend on Terese Dombrowski’s behalf. True and correct copies of the Entry of Appearance and Notice of Intent to Defend are attached hereto, made a part hereof, and marked as Exhibit “C”.

12. On July 17, 2019, a Civil Action Hearing was held before the Honorable Andrea Hudak Duffy, Magisterial District Judge. See Exhibit “A”.

13. On July 17, 2019, at the conclusion of the Civil Action hearing, Judge Andrea Hudak Duffy granted a JUDGMENT FOR DEFENDANT in favor of Terese Dombrowski and against Capital One Bank. A true and correct copy of the Notice of Judgment is attached hereto, made a part hereof, and marked as Exhibit “D”.

14. On August 15, 2019, The Law Firm of Fenters Ward sent Notices of Dispute of Trade Line letters to Equifax, Experian, and TransUnion regarding the trade line associated with the aforementioned alleged and extinguished debt. True and correct copies of the letters are attached hereto, made a part hereof, and marked as Exhibit “E”.

15. On August 19, 2019, Capital One Bank’s appeal period expired, making Judge Andrea Hudak Duff’s judgment a final judgment: rendering the alleged debt extinguished and unenforceable.

16. On September 19, 2019, Capital One Bank willfully caused false and inaccurate information about Terese Dombrowski to be furnished to Transunion when Capital One Bank reported the alleged and extinguished debt as “Pay Status: >Charged Off<” and “Remarks: DISP INVG COMP-RPT BY GRNTR; CLOSED BY CREDIT GRNTR; >UNPAID BALANCE

CHARGED OFF<" in violation of § 1681s-2b(1)(i) of the FCRA. A true and correct copy of the trade line is attached hereto, made a part hereof, and marked as Exhibit "F".

17. On September 19, 2019, Capital One Bank willfully caused false and inaccurate information about Terese Dombrowski to be furnished to Transunion when Capital One Bank failed to remove the trade line pertaining to the alleged and extinguished debt: in violation of § 1681s-2(b)(1)(E)(ii) of the FCRA.

COUNT I
VIOLATIONS OF THE FCRA, 15 U.S.C.A. § 1681, *et seq.*

18. Plaintiff incorporates the allegations contained in the paragraphs, above, as if fully set forth at length herein.

19. Terese Dombrowski is a "consumer" as defined by § 1681a(c) of the FCRA. 15 U.S.C.A. § 1681a(c).

20. Capital One Bank are "persons" as defined by § 1681a(b) of the FCRA. 15 U.S.C.A. § 1681a(b).

21. Section 1681s-2(b)(1) of the FCRA provides:

After receiving notice pursuant to section 1681i(a)(2) of this title of a dispute with regard to the completeness or accuracy of any information provided by a person to a consumer reporting agency, the person shall: (A) conduct an investigation with respect to the disputed information;

(B) review all relevant information provided by the consumer reporting agency pursuant to section 1681i(a)(2) of this title; (C) report the results of the investigation to the consumer reporting agency; (D) if the investigation finds that the information is incomplete or inaccurate, report those results to all other consumer reporting agencies to which the person furnished the information and that compile and maintain files on consumers on a nationwide basis; and (E) if an item of information disputed by a consumer is found to be inaccurate or incomplete or cannot be verified after any reinvestigation under paragraph (1), for purposes of reporting to a consumer reporting agency only, as appropriate, based on the results

of the reinvestigation promptly--(i) modify that item of information; (ii) delete that item of information; or (iii) permanently block the reporting of that item of information.

15 U.S.C.A. § 1681s-2(b)1.

22. On August 15, 2019, The Law Firm of Fenters Ward sent Notices of Dispute of Trade Line letters to Equifax, Experian, and TransUnion regarding the trade line associated with the aforementioned alleged and extinguished debt. See Exhibit “E”.

23. On September 19, 2019, Capital One Bank willfully caused false and inaccurate information about Terese Dombrowski to be furnished to Transunion when Capital One Bank reported the alleged and extinguished debt as “Pay Status: >Charged Off<” and “Remarks: DISP INVG COMP-RPT BY GRNTR; CLOSED BY CREDIT GRNTR; >UNPAID BALANCE CHARGED OFF<” in violation of § 1681s-2b(1)(i) of the FCRA. See Exhibit “F”.

24. Capital One Bank failed to delete the trade line associated with the alleged and extinguished debt upon its extinguishment and unenforceability and failure to do so violated § 1681s-b(1)(E)(ii). This failure comes after a notification of its duty to do so under § 1681i(a)(2).

25. Section 1681n(a) of the FCRA provides:

Any person who willfully fails to comply with any requirement imposed under this subchapter with respect to any consumer is liable to that consumer in an amount equal to the sum of--(1)(A) any actual damages sustained by the consumer as a result of the failure or damages of not less than \$100 and not more than \$1,000; or (B) in the case of liability of a natural person for obtaining a consumer report under false pretenses or knowingly without a permissible purpose, actual damages sustained by the consumer as a result of the failure or \$1,000, whichever is greater; (2) such amount of punitive damages as the court may allow; and (3) in the case of any successful action to enforce any liability under this section, the costs of the action together with reasonable attorney's fees as determined by the court.

15 U.S.C.A. § 1681n(a).

26. As a direct and proximate result of Capital One Bank's violations of § 1681s-2(b)(1)(E) of the FCRA, Terese Dombrowski has suffered annoyance, anxiety, embarrassment, emotional distress, and severe inconvenience.

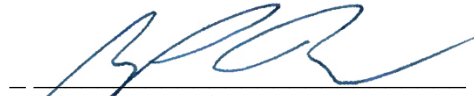
WHEREFORE, Plaintiff, Terese Dombrowski, respectfully requests that this Honorable Court enter judgment in their favor and against Defendant, Capital One Bank (USA), NA, and enter an award of monetary damages as described herein, not in excess of arbitration limits, including an award for actual damages, statutory damages pursuant to 15 U.S.C.A. § 1681n(a), costs and attorney's fees pursuant to 15 U.S.C.A. § 1681n(a), and such other and further relief as this Honorable Court deems just and proper.

JURY TRIAL DEMANDED UPON APPEAL OR REMOVAL.

Respectfully submitted,

J.P. WARD & ASSOCIATES, LLC

Date: August 9, 2021

By: 
Joshua P. Ward (Pa. I.D. No. 320347)
Kyle H. Steenland (Pa. I.D. No. 327786)

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